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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,267	03/09/2004	Michele Bernini	163-538	2371
47888	7590	03/11/2005	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			LU, JIPING	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,267	Applicant(s) BERNINI ET AL.	
	Examiner Jiping Lu	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 34-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-25 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 19 and 26-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Fig. 1, claims 1-33 in the reply filed on 12/3/2004 is acknowledged.
2. Claims 34-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/3/2004.

Claim Objections

3. Claims 19, 26-28 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP 608.01(n). Accordingly, the claims 19, 26-28 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 13, 14, 25, 31, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Nunn et al. (U. S. Pat. 3,328,891).

Nunn et al show an improved heating head 20 for a stove (not shown, below 20) characterized in that it comprises a supporting structure 22 for a series of adjustably tilted radiating bodies 24 situated along a circumference (the angular adjustable radiating bodies 24, 25 pointing toward an imaginary circle below 20 for cotton heating purposes), each of the radiating bodies 24 being fed individually. For claims 4, 7, see adjustable handles 25. For claims 5-6, see adjustable and regulated fuel supply 26-28. Claims 13, 31 and 32, see supporting base with wheels 21 and fixed heating head 20 is fixed to top of stem 22. Claim 14, see propane gas tank 27. Claim 25, the device shown in Fig. 1 can be dismantled.

6. Claims 1, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Champion (EP 1217302A1).

Champion shows an improved heating head 32 for a stove (Fig. 2) characterized in that it comprises a supporting structure 40 for a series of adjustably tilted radiating bodies 50 situated along a circumference, each of the radiating bodies 50 being fed individually. The support structure has a truncated pyramidal or conical shape with a smaller base placed downwards.

7. Claims 1, 13-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Resmo et al (U. S. Pat. 6,446,623).

Resmo shows an improved heating head 16 for a stove (Figs. 1-9) characterized in that it comprises a supporting structure 14 for a series of adjustably tilted radiating bodies 16, 28 situated along a circumference, each of the radiating bodies 16, 28 being fed individually. The support structure has a truncated pyramidal or conical shape with a smaller base placed downwards. For claim 15, see door 40. For claims 17, 22 see control panel 33 and switch 34. For claim 20, see tubes 44.

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8. Claims 1, 13-18, 20-24, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashton et al (U. S. Pat. 6,499,480).

Ashton et al show an improved heating head 8 for a stove (Figs. 1-16) characterized in that it comprises a supporting structure 60 for a series of adjustably tilted radiating bodies 804 situated along a circumference, each of the radiating bodies 804 being fed individually. The support structure 60 has a truncated pyramidal or conical shape with a smaller base placed downwards. For claim 15, see door (not numbered, col. 5, line s 5-6). For claims 17, 22, 33, see control panel (Fig. 2) and mechanical components or switches 32. For claim 20, see tubes 16. For claims 23, 24, see igniter controls 30-38, 130,

9. Claims 1 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Collet (U. S. Pat. 6,366,450).

Collet shows an improved heating head 1 for a stove (Figs. 1-15) characterized in that it comprises a supporting structure 26 for a series of adjustably tilted radiating bodies 8,39 situated along a circumference, each of the radiating bodies 8, 39 being fed individually. The stove can be dismantled (Figs. 10-15).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunn et al. (U. S. Pat. 3,328,891) in view of Morris et al (U. S. Pat. 4,889,481).

Nunn et al show the overall claimed combination same as the applicant's. Morris et al show a radiant burner made of ceramic material same as claimed. Therefore, to substitute the ceramic radiant burners of Morris et al for the radiant burners 14 of Nunn et al would have been obvious because the ceramic radiant burners are well known in the art for lasting useful life.

12. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunn et al. (U. S. Pat. 3,328,891) in view of Waters (U. S. Pat. 6,651,647).

The heating head of Nunn et al. as above includes all that is recited in claim 29-30 except for the safety device with thermocouple for optionally closing a gas tap of the burner. Waters teaches a heating head with a safety device. The safety shut off is provided as controlled by the thermocouple 64 which is sensitive to temperature variations, and will cause an open gas valve (not shown) to close when the flame in the burner head 60 is extinguished for any reason with the gas valve control 56 turned on. Therefore, it would have been obvious to one having

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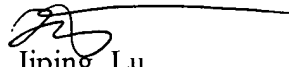
ordinary skill in the art at the time the invention was made to provide the burners of Nunn et al. with a thermocouple as taught by Water in order to improve the safety.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.